

CBSC STAFF REPORT

2004 Annual Cycle Monograph Item 1

PROPOSING STATE AGENCY:

Office of Statewide Health Planning and Development (OSHPD 01/04)

APPLICATION AFFECTED:

Hospital buildings, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers

SUBJECT:

Part 1, Administrative regulations for OSHPD, Chapters 6 and 7:

Changes to Chapter 6 correct a technical error and clarify language concerning seismic safety requirements for hospital buildings.

Changes to Chapter 7 include modifications that:

- Alter various plan review and construction inspection requirements for health facilities
- Lengthens the time frames of appeal activities of the Hospital Building Safety Board (HBSB)
- Clarify and make more specific criteria for outsourcing plan review services
- Repeal outdated requirements for certifying and approving hospital inspectors
- Certify role and qualifications of Class C inspectors
- Establish provisions for filing fees and fee refund for plan review of California licensed specialty clinics

FINDINGS:

CBSC Code Advisory Committee Comments/Recommendations

CBSC's Health Facilities Code Advisory Committee (HF CAC) recommended "approve".

(See pages 1-3 through 1-36 of the May, 2005 Code Change Monograph, Volume I.)

Public Comment & Agency Responses to Comments

1. Sub-items 1-8, 1-9, 1-10, and 1-11: Commenter #1 is Jack V. Ivers, representing himself. Mr. Ivers objects to extending the proposed appeal time frames and lengthening time frames of appeal activities of the HBSB from calendar days to business days on the basis of criteria 6 of the nine point criteria. (See pages 3 through 6 of the October, 2005 Public Comment Monograph.)

Response by agency: OSHPD proposes to make no change to their regulations to accommodate Mr. Ivers' comment for the following reasons: the number of days has in practice been interpreted as "business days"; and extra time is needed for notification, arrangements for accessible hearing facilities, coordination among participants, and assemblage of documents in preparation for hearings. (See pages 4 & 5 of the Final Statement of Reasons, which follows this report.)

2. Sub-item 1-15: Commenter #2 is Kurt R. Schaefer, representing OSHPD. Mr. Schaefer proposes an editorial terminology change to their office's requirements of certifying inspectors. The regulations call for inspectors to be a level III IAPMO certified inspector and a level III IAPMO certification does not exist. Thus Mr. Schaefer requests the term "Level III" be deleted on the basis of criterion #6 of the nine point criteria. (See page 7 of the October, 2005 Public Comment Monograph.)

Response by agency: OSHPD proposes to accommodate the comment by omitting the words "Level III" from IAPMO Certification. (See page 5 of the Final Statement of Reasons.)

Staff Findings

OSHPD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law,

COMMISSION ACTION:

For efficiency, staff recommends that the Commission act on the uncontested sub-items listed on the matrix in one motion, and act on the remaining sub-items individually. Since sub-items 1-8, 1-9, 1-10, and 1-11 all concern the same issue, and the public comment is the same for all four, these items can be taken up in one motion as well.

The Commission may take any one of the following actions on these sub-items, then act on Item 1 as a whole::

- ❖ **Approve**
- ❖ **Disapprove**
- ❖ **Approve as Amend**
- ❖ **Further Study**